



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2340**

Introduced 1/12/2006, by Sen. M. Maggie Crotty

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/24A-9	from Ch. 46, par. 24A-9
10 ILCS 5/24A-15	from Ch. 46, par. 24A-15
10 ILCS 5/24A-16	from Ch. 46, par. 24A-16
10 ILCS 5/24B-9	
10 ILCS 5/24B-15	
10 ILCS 5/24B-16	
10 ILCS 5/24C-9	
10 ILCS 5/24C-15	
10 ILCS 5/24C-16	

Amends the Election Code. With respect to voting equipment, (i) requires that vendors pay the costs of ballots and temporary workers for equipment tests; (ii) after an election, authorizes the State Board of Elections to destroy programs (now, return them to election authorities) when there is no election contest; and (iii) authorizes the State Board to select an election jurisdiction's precincts for random retabulation of votes after election day.

LRB094 16578 JAM 51839 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Sections 24A-9, 24A-15, 24A-16, 24B-9, 24B-15, 24B-16, 24C-9,  
6 24C-15, and 24C-16 as follows:

7 (10 ILCS 5/24A-9) (from Ch. 46, par. 24A-9)

8 Sec. 24A-9. Prior to the public test, the election  
9 authority shall conduct an errorless pre-test of the automatic  
10 tabulating equipment and program to ascertain that they will  
11 correctly count the votes cast for all offices and all  
12 measures. On any day not less than 5 days prior to the election  
13 day, the election authority shall publicly test the automatic  
14 tabulating equipment and program to ascertain that they will  
15 correctly count the votes cast for all offices and on all  
16 measures. Public notice of the time and place of the test shall  
17 be given at least 48 hours prior thereto by publication once in  
18 one or more newspapers published within the election  
19 jurisdiction of the election authority if a newspaper is  
20 published therein, otherwise in a newspaper of general  
21 circulation therein. Timely written notice stating the date,  
22 time and location of the public test shall also be provided to  
23 the State Board of Elections. The test shall be open to  
24 representatives of the political parties, the press,  
25 representatives of the State Board of Elections, and the  
26 public. The test shall be conducted by processing a preaudited  
27 group of ballots so punched or marked as to record a  
28 predetermined number of valid votes for each candidate and on  
29 each measure, and shall include for each office one or more  
30 ballots which have votes in excess of the number allowed by law  
31 in order to test the ability of the automatic tabulating  
32 equipment to reject such votes. Such test shall also include

1 the use of precinct header cards and may include the production  
2 of an edit listing. In those election jurisdictions where  
3 in-precinct counting equipment is utilized, a public test of  
4 both such equipment and program shall be conducted as nearly as  
5 possible in the manner prescribed above. The State Board of  
6 Elections may select as many election jurisdictions as the  
7 Board deems advisable in the interests of the election process  
8 of this State in which to order a special test of the automatic  
9 tabulating equipment and program prior to any regular election.  
10 The Board may order a special test in any election jurisdiction  
11 where, during the preceding twelve months, computer  
12 programming errors or other errors in the use of electronic  
13 voting systems resulted in vote tabulation errors. Not less  
14 than 30 days prior to any election, the State Board of  
15 Elections shall provide written notice to those selected  
16 jurisdictions of their intent to conduct a test. Within 5 days  
17 of receipt of the State Board of Elections' written notice of  
18 intent to conduct a test, the selected jurisdictions shall  
19 forward to the principal office of the State Board of Elections  
20 a copy of all specimen ballots. The State Board of Elections'  
21 tests shall be conducted and completed not less than 2 days  
22 prior to the public test ~~utilizing testing materials supplied~~  
23 ~~by the Board~~ and under the supervision of the Board. The  
24 vendor, person, or other entity shall be responsible for the  
25 production and cost of: all ballots; additional temporary  
26 workers; and other equipment or facilities needed and used in  
27 the testing of the vendor's, person's, or other entity's  
28 respective equipment and software., ~~and the Board shall~~  
29 ~~reimburse the election authority for the reasonable cost of~~  
30 ~~computer time required to conduct the special test.~~ After an  
31 errorless test, materials used in the public test, including  
32 the program, if appropriate, shall be sealed and remain so  
33 until the test is run again on election day. If any error is  
34 detected, the cause therefor shall be ascertained and corrected  
35 and an errorless public test shall be made before the automatic  
36 tabulating equipment is approved. Each election authority

1 shall file a sealed copy of each tested program to be used  
2 within its jurisdiction at an election with the State Board of  
3 Elections prior to the election. The Board shall secure the  
4 program or programs of each election jurisdiction so filed in  
5 its office for the 60 days following the canvass and  
6 proclamation of election results. Upon the expiration of that  
7 time, if no election contest or appeal therefrom is pending in  
8 an election jurisdiction, the Board shall destroy ~~return~~ the  
9 sealed program or programs ~~to the election authority of the~~  
10 ~~jurisdiction~~. Except where in-precinct counting equipment is  
11 utilized, the test shall be repeated immediately before the  
12 start of the official count of the ballots, in the same manner  
13 as set forth above. After the completion of the count, the test  
14 shall be re-run using the same program. An election  
15 jurisdiction that was employing, as of January 1, 1983, an  
16 electronic voting system that, because of its design, is not  
17 technically capable of compliance with such a post-tabulation  
18 testing requirement shall satisfy the post-tabulation testing  
19 requirement by conducting the post-tabulation test on a  
20 duplicate program until such electronic voting system is  
21 replaced or until November 1, 1992, whichever is earlier.  
22 Immediately thereafter the ballots, all material employed in  
23 testing the program and the program shall be sealed and  
24 retained under the custody of the election authority for a  
25 period of 60 days. At the expiration of that time the election  
26 authority shall destroy the voted ballot cards, together with  
27 all unused ballots returned from the precincts. Provided, if  
28 any contest of election is pending at such time in which such  
29 ballots may be required as evidence and such election authority  
30 has notice thereof, the same shall not be destroyed until after  
31 such contest is finally determined. If the use of back-up  
32 equipment becomes necessary, the same testing required for the  
33 original equipment shall be conducted.

34 (Source: P.A. 86-873; 86-874; 86-1028; 87-1052.)

1           Sec. 24A-15. The precinct return printed by the automatic  
2 tabulating equipment shall include the number of ballots cast  
3 and votes cast for each candidate and proposition and shall  
4 constitute the official return of each precinct. In addition to  
5 the precinct return, the election authority shall provide the  
6 number of applications for ballots in each precinct, the  
7 write-in votes, the total number of ballots counted in each  
8 precinct for each political subdivision and district and the  
9 number of registered voters in each precinct. However, the  
10 election authority shall check the totals shown by the precinct  
11 return and, if there is an obvious discrepancy with respect to  
12 the total number of votes cast in any precinct, shall have the  
13 ballots for such precinct retabulated to correct the return.  
14 The procedures for retabulation shall apply prior to and after  
15 the proclamation is completed; however, after the proclamation  
16 of results, the election authority must obtain a court order to  
17 unseal voted ballots except for election contests and discovery  
18 recounts. In those election jurisdictions that utilize  
19 in-precinct counting equipment, the certificate of results,  
20 which has been prepared by the judges of election in the  
21 polling place after the ballots have been tabulated, shall be  
22 the document used for the canvass of votes for such precinct.  
23 Whenever a discrepancy exists during the canvass of votes  
24 between the unofficial results and the certificate of results,  
25 or whenever a discrepancy exists during the canvass of votes  
26 between the certificate of results and the set of totals which  
27 has been affixed to such certificate of results, the ballots  
28 for such precinct shall be retabulated to correct the return.  
29 As an additional part of this check prior to the proclamation,  
30 in those jurisdictions where in-precinct counting equipment is  
31 utilized, the election authority shall retabulate the total  
32 number of votes cast in 5% of the precincts within the election  
33 jurisdiction. The precincts to be retabulated shall be selected  
34 after election day on a random basis by the State Board of  
35 Elections ~~election authority~~, so that every precinct in the  
36 election jurisdiction has an equal mathematical chance of being

1 selected. The State Board of Elections shall design a standard  
2 and scientific random method of selecting the precincts which  
3 are to be retabulated, and the election authority shall be  
4 required to utilize such method. ~~The State Board of Elections,~~  
5 ~~the State's Attorney and other appropriate law enforcement~~  
6 ~~agencies, the county chairman of each established political~~  
7 ~~party and qualified civic organizations shall be given prior~~  
8 ~~written notice of the time and place of such random selection~~  
9 ~~procedure and may be represented at such procedure.~~ Such  
10 retabulation shall consist of counting the ballot cards which  
11 were originally counted and shall not involve any determination  
12 as to which ballot cards were, in fact, properly counted. The  
13 ballots from the precincts selected for such retabulation shall  
14 remain at all times under the custody and control of the  
15 election authority and shall be transported and retabulated by  
16 the designated staff of the election authority.

17 As part of such retabulation, the election authority shall  
18 test the computer program in the selected precincts. Such test  
19 shall be conducted by processing a preaudited group of ballots  
20 so punched so as to record a predetermined number of valid  
21 votes for each candidate and on each public question, and shall  
22 include for each office one or more ballots which have votes in  
23 excess of the number allowed by law in order to test the  
24 ability of the equipment to reject such votes. If any error is  
25 detected, the cause therefor shall be ascertained and corrected  
26 and an errorless count shall be made prior to the official  
27 canvass and proclamation of election results.

28 The State Board of Elections, the State's Attorney and  
29 other appropriate law enforcement agencies, the county  
30 chairman of each established political party and qualified  
31 civic organizations shall be given prior written notice of the  
32 time and place of such retabulation and may be represented at  
33 such retabulation.

34 The results of this retabulation shall be treated in the  
35 same manner and have the same effect as the results of the  
36 discovery procedures set forth in Section 22-9.1 of this Act.

1 Upon completion of the retabulation, the election authority  
2 shall print a comparison of the results of the retabulation  
3 with the original precinct return printed by the automatic  
4 tabulating equipment. Such comparison shall be done for each  
5 precinct and for each office voted upon within that precinct,  
6 and the comparisons shall be open to the public.

7 (Source: P.A. 89-700, eff. 1-17-97.)

8 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

9 Sec. 24A-16. The State Board of Elections shall approve all  
10 voting systems provided by this Article.

11 No voting system shall be approved unless it fulfills the  
12 following requirements:

13 (1) It enables a voter to vote in absolute secrecy;

14 (2) (Blank);

15 (3) It enables a voter to vote a ticket selected in part  
16 from the nominees of one party, and in part from the nominees  
17 of any or all parties, and in part from independent candidates  
18 and in part of candidates whose names are written in by the  
19 voter;

20 (4) It enables a voter to vote a written or printed ticket  
21 of his own selection for any person for any office for whom he  
22 may desire to vote;

23 (5) It will reject all votes for an office or upon a  
24 proposition when the voter has cast more votes for such office  
25 or upon such proposition than he is entitled to cast;

26 (6) It will accommodate all propositions to be submitted to  
27 the voters in the form provided by law or, where no such form  
28 is provided, then in brief form, not to exceed 75 words.

29 The State Board of Elections is authorized to withdraw its  
30 approval of a voting system if the system fails to fulfill the  
31 above requirements.

32 The vendor, person, or other entity shall be responsible  
33 for the production and cost of: all ballots; additional  
34 temporary workers; and other equipment or facilities needed and  
35 used in the testing of the vendor's, person's, or other

1 entity's respective equipment and software.

2 No vendor, person or other entity may sell, lease or loan a  
3 voting system or voting system component to any election  
4 jurisdiction unless the voting system or voting system  
5 component is first approved by the State Board of Elections  
6 pursuant to this Section.

7 (Source: P.A. 89-700, eff. 1-17-97.)

8 (10 ILCS 5/24B-9)

9 Sec. 24B-9. Testing of Precinct Tabulation Optical Scan  
10 Technology Equipment and Program; Custody of Programs, Test  
11 Materials and Ballots. Prior to the public test, the election  
12 authority shall conduct an errorless pre-test of the automatic  
13 Precinct Tabulation Optical Scan Technology tabulating  
14 equipment and program and marking device to determine that they  
15 will correctly detect Voting Defects and count the votes cast  
16 for all offices and all measures. On any day not less than 5  
17 days prior to the election day, the election authority shall  
18 publicly test the automatic Precinct Tabulation Optical Scan  
19 Technology tabulating equipment and program to determine that  
20 they will correctly detect Voting Defects and count the votes  
21 cast for all offices and on all measures. Public notice of the  
22 time and place of the test shall be given at least 48 hours  
23 before the test by publishing the notice in one or more  
24 newspapers within the election jurisdiction of the election  
25 authority, if a newspaper is published in that jurisdiction. If  
26 a newspaper is not published in that jurisdiction, notice shall  
27 be published in a newspaper of general circulation in that  
28 jurisdiction. Timely written notice stating the date, time, and  
29 location of the public test shall also be provided to the State  
30 Board of Elections. The test shall be open to representatives  
31 of the political parties, the press, representatives of the  
32 State Board of Elections, and the public. The test shall be  
33 conducted by processing a preaudited group of ballots marked to  
34 record a predetermined number of valid votes for each candidate  
35 and on each measure, and shall include for each office one or

1 more ballots having votes exceeding the number allowed by law  
2 to test the ability of the automatic tabulating equipment or  
3 marking device to reject the votes. The test shall also include  
4 producing an edit listing. In those election jurisdictions  
5 where in-precinct counting equipment is used, a public test of  
6 both the equipment and program shall be conducted as nearly as  
7 possible in the manner prescribed above. The State Board of  
8 Elections may select as many election jurisdictions as the  
9 Board deems advisable in the interests of the election process  
10 of this State, to order a special test of the automatic  
11 tabulating equipment and program before any regular election.  
12 The Board may order a special test in any election jurisdiction  
13 where, during the preceding 12 months, computer programming  
14 errors or other errors in the use of electronic voting systems  
15 resulted in vote tabulation errors. Not less than 30 days  
16 before any election, the State Board of Elections shall provide  
17 written notice to those selected jurisdictions of their intent  
18 to conduct a test. Within 5 days of receipt of the State Board  
19 of Elections' written notice of intent to conduct a test, the  
20 selected jurisdictions shall forward to the principal office of  
21 the State Board of Elections a copy of all specimen ballots.  
22 The State Board of Elections' tests shall be conducted and  
23 completed not less than 2 days before the public test ~~utilizing~~  
24 ~~testing materials supplied by the Board~~ and under the  
25 supervision of the Board. The vendor, person, or other entity  
26 shall be responsible for the production and cost of: all  
27 ballots; additional temporary workers; and other equipment or  
28 facilities needed and used in the testing of the vendor's,  
29 person's, or other entity's respective equipment and  
30 software. ~~, and the Board shall reimburse the election authority~~  
31 ~~for the reasonable cost of computer time required to conduct~~  
32 ~~the special test.~~ After an errorless test, materials used in  
33 the public test, including the program, if appropriate, shall  
34 be sealed and remain sealed until the test is run again on  
35 election day. If any error is detected, the cause of the error  
36 shall be determined and corrected, and an errorless public test

1 shall be made before the automatic tabulating equipment is  
2 approved. Each election authority shall file a sealed copy of  
3 each tested program to be used within its jurisdiction at an  
4 election with the State Board of Elections before the election.  
5 The Board shall secure the program or programs of each election  
6 jurisdiction so filed in its office for the 60 days following  
7 the canvass and proclamation of election results. At the  
8 expiration of that time, if no election contest or appeal is  
9 pending in an election jurisdiction, the Board shall destroy  
10 ~~return~~ the sealed program or programs ~~to the election authority~~  
11 ~~of the jurisdiction~~. Except where in-precinct counting  
12 equipment is used, the test shall be repeated immediately  
13 before the start of the official counting of the ballots, in  
14 the same manner as set forth above. After the completion of the  
15 count, the test shall be re-run using the same program.  
16 Immediately after the re-run, all material used in testing the  
17 program and the programs shall be sealed and retained under the  
18 custody of the election authority for a period of 60 days. At  
19 the expiration of that time the election authority shall  
20 destroy the voted ballots, together with all unused ballots  
21 returned from the precincts. Provided, if any contest of  
22 election is pending at the time in which the ballots may be  
23 required as evidence and the election authority has notice of  
24 the contest, the same shall not be destroyed until after the  
25 contest is finally determined. If the use of back-up equipment  
26 becomes necessary, the same testing required for the original  
27 equipment shall be conducted.

28 (Source: P.A. 93-574, eff. 8-21-03.)

29 (10 ILCS 5/24B-15)

30 Sec. 24B-15. Official Return of Precinct; Check of Totals;  
31 Retabulation. The precinct return printed by the automatic  
32 Precinct Tabulation Optical Scan Technology tabulating  
33 equipment shall include the number of ballots cast and votes  
34 cast for each candidate and proposition and shall constitute  
35 the official return of each precinct. In addition to the

1 precinct return, the election authority shall provide the  
2 number of applications for ballots in each precinct, the  
3 write-in votes, the total number of ballots counted in each  
4 precinct for each political subdivision and district and the  
5 number of registered voters in each precinct. However, the  
6 election authority shall check the totals shown by the precinct  
7 return and, if there is an obvious discrepancy regarding the  
8 total number of votes cast in any precinct, shall have the  
9 ballots for that precinct retabulated to correct the return.  
10 The procedures for retabulation shall apply prior to and after  
11 the proclamation is completed; however, after the proclamation  
12 of results, the election authority must obtain a court order to  
13 unseal voted ballots except for election contests and discovery  
14 recounts. In those election jurisdictions that use in-precinct  
15 counting equipment, the certificate of results, which has been  
16 prepared by the judges of election in the polling place after  
17 the ballots have been tabulated, shall be the document used for  
18 the canvass of votes for such precinct. Whenever a discrepancy  
19 exists during the canvass of votes between the unofficial  
20 results and the certificate of results, or whenever a  
21 discrepancy exists during the canvass of votes between the  
22 certificate of results and the set of totals which has been  
23 affixed to the certificate of results, the ballots for that  
24 precinct shall be retabulated to correct the return. As an  
25 additional part of this check prior to the proclamation, in  
26 those jurisdictions where in-precinct counting equipment is  
27 used, the election authority shall retabulate the total number  
28 of votes cast in 5% of the precincts within the election  
29 jurisdiction. The precincts to be retabulated shall be selected  
30 after election day on a random basis by the State Board of  
31 Elections ~~election authority~~, so that every precinct in the  
32 election jurisdiction has an equal mathematical chance of being  
33 selected. The State Board of Elections shall design a standard  
34 and scientific random method of selecting the precincts which  
35 are to be retabulated, and the election authority shall be  
36 required to use that method. ~~The State Board of Elections, the~~

1 ~~State's Attorney and other appropriate law enforcement~~  
2 ~~agencies, the county chairman of each established political~~  
3 ~~party and qualified civic organizations shall be given prior~~  
4 ~~written notice of the time and place of the random selection~~  
5 ~~procedure and may be represented at the procedure.~~ The  
6 retabulation shall consist of counting the ballots which were  
7 originally counted and shall not involve any determination of  
8 which ballots were, in fact, properly counted. The ballots from  
9 the precincts selected for the retabulation shall remain at all  
10 times under the custody and control of the election authority  
11 and shall be transported and retabulated by the designated  
12 staff of the election authority.

13 As part of the retabulation, the election authority shall  
14 test the computer program in the selected precincts. The test  
15 shall be conducted by processing a preaudited group of ballots  
16 marked to record a predetermined number of valid votes for each  
17 candidate and on each public question, and shall include for  
18 each office one or more ballots which have votes in excess of  
19 the number allowed by law to test the ability of the equipment  
20 and the marking device to reject such votes. If any error is  
21 detected, the cause shall be determined and corrected, and an  
22 errorless count shall be made prior to the official canvass and  
23 proclamation of election results.

24 The State Board of Elections, the State's Attorney and  
25 other appropriate law enforcement agencies, the county  
26 chairman of each established political party and qualified  
27 civic organizations shall be given prior written notice of the  
28 time and place of the retabulation and may be represented at  
29 the retabulation.

30 The results of this retabulation shall be treated in the  
31 same manner and have the same effect as the results of the  
32 discovery procedures set forth in Section 22-9.1 of this Code.  
33 Upon completion of the retabulation, the election authority  
34 shall print a comparison of the results of the retabulation  
35 with the original precinct return printed by the automatic  
36 tabulating equipment. The comparison shall be done for each

1 precinct and for each office voted upon within that precinct,  
2 and the comparisons shall be open to the public. Upon  
3 completion of the retabulation, the returns shall be open to  
4 the public.

5 (Source: P.A. 93-574, eff. 8-21-03.)

6 (10 ILCS 5/24B-16)

7 Sec. 24B-16. Approval of Precinct Tabulation Optical Scan  
8 Technology Voting Systems; Requisites. The State Board of  
9 Elections shall approve all Precinct Tabulation Optical Scan  
10 Technology voting systems provided by this Article.

11 No Precinct Tabulation Optical Scan Technology voting  
12 system shall be approved unless it fulfills the following  
13 requirements:

14 (a) It enables a voter to vote in absolute secrecy;

15 (b) (Blank);

16 (c) It enables a voter to vote a ticket selected in  
17 part from the nominees of one party, and in part from the  
18 nominees of any or all parties, and in part from  
19 independent candidates, and in part of candidates whose  
20 names are written in by the voter;

21 (d) It enables a voter to vote a written or printed  
22 ticket of his or her own selection for any person for any  
23 office for whom he or she may desire to vote;

24 (e) It will reject all votes for an office or upon a  
25 proposition when the voter has cast more votes for the  
26 office or upon the proposition than he or she is entitled  
27 to cast; and

28 (f) It will accommodate all propositions to be  
29 submitted to the voters in the form provided by law or,  
30 where no form is provided, then in brief form, not to  
31 exceed 75 words.

32 The State Board of Elections is authorized to withdraw its  
33 approval of a Precinct Tabulation Optical Scan Technology  
34 voting system if the system fails to fulfill the above  
35 requirements.

1       The vendor, person, or other entity shall be responsible  
2       for the production and cost of: all ballots; additional  
3       temporary workers; and other equipment or facilities needed and  
4       used in the testing of the vendor's, person's, or other  
5       entity's respective equipment and software.

6       No vendor, person or other entity may sell, lease or loan a  
7       voting system or Precinct Tabulation Optical Scan Technology  
8       voting system component to any election jurisdiction unless the  
9       voting system or voting system component is first approved by  
10      the State Board of Elections pursuant to this Section.

11      (Source: P.A. 89-394, eff. 1-1-97; 89-700, eff. 1-17-97.)

12           (10 ILCS 5/24C-9)

13      Sec. 24C-9. Testing of Direct Recording Electronic Voting  
14      System Equipment and Programs; Custody of Programs, Test  
15      Materials and Ballots. Prior to the public test, the election  
16      authority shall conduct an errorless pre-test of the Direct  
17      Recording Electronic Voting System equipment and programs to  
18      determine that they will correctly detect voting defects and  
19      count the votes cast for all offices and all public questions.  
20      On any day not less than 5 days prior to the election day, the  
21      election authority shall publicly test the Direct Recording  
22      Electronic Voting System equipment and programs to determine  
23      that they will correctly detect voting errors and accurately  
24      count the votes legally cast for all offices and on all public  
25      questions. Public notice of the time and place of the test  
26      shall be given at least 48 hours before the test by publishing  
27      the notice in one or more newspapers within the election  
28      jurisdiction of the election authority, if a newspaper is  
29      published in that jurisdiction. If a newspaper is not published  
30      in that jurisdiction, notice shall be published in a newspaper  
31      of general circulation in that jurisdiction. Timely written  
32      notice stating the date, time, and location of the public test  
33      shall also be provided to the State Board of Elections. The  
34      test shall be open to representatives of the political parties,  
35      the press, representatives of the State Board of Elections, and

1 the public. The test shall be conducted by entering a pre-  
2 audited group of votes designed to record a predetermined  
3 number of valid votes for each candidate and on each public  
4 question, and shall include for each office one or more ballots  
5 having votes exceeding the number allowed by law to test the  
6 ability of the automatic tabulating equipment to reject the  
7 votes. The test shall also include producing an edit listing.  
8 In those election jurisdictions where in-precinct counting  
9 equipment is used, a public test of both the equipment and  
10 program shall be conducted as nearly as possible in the manner  
11 prescribed above. The State Board of Elections may select as  
12 many election jurisdictions as the Board deems advisable in the  
13 interests of the election process of this State, to order a  
14 special test of the automatic tabulating equipment and program  
15 before any regular election. The Board may order a special test  
16 in any election jurisdiction where, during the preceding 12  
17 months, computer programming errors or other errors in the use  
18 of System resulted in vote tabulation errors. Not less than 30  
19 days before any election, the State Board of Elections shall  
20 provide written notice to those selected jurisdictions of their  
21 intent to conduct a test. Within 5 days of receipt of the State  
22 Board of Elections' written notice of intent to conduct a test,  
23 the selected jurisdictions shall forward to the principal  
24 office of the State Board of Elections a copy of all specimen  
25 ballots. The State Board of Elections' tests shall be conducted  
26 and completed not less than 2 days before the public test  
27 ~~utilizing testing materials supplied by the Board and under the~~  
28 ~~supervision of the Board.~~ The vendor, person, or other entity  
29 shall be responsible for the production and cost of: all  
30 ballots; additional temporary workers; and other equipment or  
31 facilities needed and used in the testing of the vendor's,  
32 person's, or other entity's respective equipment and  
33 software. ~~, and the Board shall reimburse the election authority~~  
34 ~~for the reasonable cost of computer time required to conduct~~  
35 ~~the special test.~~ After an errorless test, materials used in  
36 the public test, including the program, if appropriate, shall

1 be sealed and remain sealed until the test is run again on  
2 election day. If any error is detected, the cause of the error  
3 shall be determined and corrected, and an errorless public test  
4 shall be made before the automatic tabulating equipment is  
5 approved. Each election authority shall file a sealed copy of  
6 each tested program to be used within its jurisdiction at an  
7 election with the State Board of Elections before the election.  
8 The Board shall secure the program or programs of each election  
9 jurisdiction so filed in its office for the 60 days following  
10 the canvass and proclamation of election results. At the  
11 expiration of that time, if no election contest or appeal is  
12 pending in an election jurisdiction, the Board shall destroy  
13 ~~return~~ the sealed program or programs ~~to the election authority~~  
14 ~~of the jurisdiction~~. Except where in-precinct counting  
15 equipment is used, the test shall be repeated immediately  
16 before the start of the official counting of the ballots, in  
17 the same manner as set forth above. After the completion of the  
18 count, the test shall be re-run using the same program.  
19 Immediately after the re-run, all material used in testing the  
20 program and the programs shall be sealed and retained under the  
21 custody of the election authority for a period of 60 days. At  
22 the expiration of that time the election authority shall  
23 destroy the voted ballots, together with all unused ballots  
24 returned from the precincts. Provided, if any contest of  
25 election is pending at the time in which the ballots may be  
26 required as evidence and the election authority has notice of  
27 the contest, the same shall not be destroyed until after the  
28 contest is finally determined. If the use of back-up equipment  
29 becomes necessary, the same testing required for the original  
30 equipment shall be conducted.

31 (Source: P.A. 93-574, eff. 8-21-03.)

32 (10 ILCS 5/24C-15)

33 Sec. 24C-15. Official Return of Precinct; Check of Totals;  
34 Audit. The precinct return printed by the Direct Recording  
35 Electronic Voting System tabulating equipment shall include

1 the number of ballots cast and votes cast for each candidate  
2 and public question and shall constitute the official return of  
3 each precinct. In addition to the precinct return, the election  
4 authority shall provide the number of applications for ballots  
5 in each precinct, the total number of ballots and absentee  
6 ballots counted in each precinct for each political subdivision  
7 and district and the number of registered voters in each  
8 precinct. However, the election authority shall check the  
9 totals shown by the precinct return and, if there is an obvious  
10 discrepancy regarding the total number of votes cast in any  
11 precinct, shall have the ballots for that precinct audited to  
12 correct the return. The procedures for this audit shall apply  
13 prior to and after the proclamation is completed; however,  
14 after the proclamation of results, the election authority must  
15 obtain a court order to unseal voted ballots or voting devices  
16 except for election contests and discovery recounts. The  
17 certificate of results, which has been prepared and signed by  
18 the judges of election in the polling place after the ballots  
19 have been tabulated, shall be the document used for the canvass  
20 of votes for such precinct. Whenever a discrepancy exists  
21 during the canvass of votes between the unofficial results and  
22 the certificate of results, or whenever a discrepancy exists  
23 during the canvass of votes between the certificate of results  
24 and the set of totals reflected on the certificate of results,  
25 the ballots for that precinct shall be audited to correct the  
26 return.

27 Prior to the proclamation, the election authority shall  
28 test the voting devices and equipment in 5% of the precincts  
29 within the election jurisdiction. The precincts to be tested  
30 shall be selected after election day on a random basis by the  
31 State Board of Elections ~~election authority~~, so that every  
32 precinct in the election jurisdiction has an equal mathematical  
33 chance of being selected. The State Board of Elections shall  
34 design a standard and scientific random method of selecting the  
35 precincts that are to be tested, and the election authority  
36 shall be required to use that method. ~~The State Board of~~

1 ~~Elections, the State's Attorney and other appropriate law~~  
2 ~~enforcement agencies, the county chairman of each established~~  
3 ~~political party and qualified civic organizations shall be~~  
4 ~~given prior written notice of the time and place of the random~~  
5 ~~selection procedure and may be represented at the procedure.~~

6 The test shall be conducted by counting the votes marked on  
7 the permanent paper record of each ballot cast in the tested  
8 precinct printed by the voting system at the time that each  
9 ballot was cast and comparing the results of this count with  
10 the results shown by the certificate of results prepared by the  
11 Direct Recording Electronic Voting System in the test precinct.  
12 The election authority shall test count these votes either by  
13 hand or by using an automatic tabulating device other than a  
14 Direct Recording Electronic voting device that has been  
15 approved by the State Board of Elections for that purpose and  
16 tested before use to ensure accuracy. The election authority  
17 shall print the results of each test count. If any error is  
18 detected, the cause shall be determined and corrected, and an  
19 errorless count shall be made prior to the official canvass and  
20 proclamation of election results. If an errorless count cannot  
21 be conducted and there continues to be difference in vote  
22 results between the certificate of results produced by the  
23 Direct Recording Electronic Voting System and the count of the  
24 permanent paper records or if an error was detected and  
25 corrected, the election authority shall immediately prepare  
26 and forward to the appropriate canvassing board a written  
27 report explaining the results of the test and any errors  
28 encountered and the report shall be made available for public  
29 inspection.

30 The State Board of Elections, the State's Attorney and  
31 other appropriate law enforcement agencies, the county  
32 chairman of each established political party and qualified  
33 civic organizations shall be given prior written notice of the  
34 time and place of the test and may be represented at the test.

35 The results of this post-election test shall be treated in  
36 the same manner and have the same effect as the results of the

1 discovery procedures set forth in Section 22-9.1 of this Code.  
2 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

3 (10 ILCS 5/24C-16)

4 Sec. 24C-16. Approval of Direct Recording Electronic  
5 Voting Systems; Requisites. The State Board of Elections shall  
6 approve all Direct Recording Electronic Voting Systems that  
7 fulfill the functional requirements provided by Section 24C-11  
8 of this Code, the mandatory requirements of the federal voting  
9 system standards pertaining to Direct Recording Electronic  
10 Voting Systems promulgated by the Federal Election Commission  
11 or the Election Assistance Commission, the testing  
12 requirements of an approved independent testing authority and  
13 the rules of the State Board of Elections.

14 The State Board of Elections is authorized to withdraw its  
15 approval of a Direct Recording Electronic Voting System if the  
16 System, once approved, fails to fulfill the above requirements.

17 The vendor, person, or other entity shall be responsible  
18 for the production and cost of: all ballots; additional  
19 temporary workers; and other equipment or facilities needed and  
20 used in the testing of the vendor's, person's, or other  
21 entity's respective equipment and software.

22 No vendor, person or other entity may sell, lease or loan a  
23 Direct Recording Electronic Voting System or system component  
24 to any election jurisdiction unless the system or system  
25 component is first approved by the State Board of Elections  
26 pursuant to this Section.

27 (Source: P.A. 93-574, eff. 8-21-03.)